

Martha G. Bronitsky
Chapter 13 Standing Trustee
6140 Stoneridge Mall Rd #250
Pleasanton, CA 94588-4588
(925) 621- 1900

Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re
Rafael Agredano Jr

Chapter 13 Case No. 12-49213-WJL13

**OBJECTION TO CLAIM #4 AND
NOTICE THEREOF WITH
CERTIFICATE OF SERVICE**

debtor(s)

OBJECTION TO CLAIM

I, Martha G. Bronitsky, Chapter 13 Standing Trustee, hereby object to the claim of:
Nationstar Mortgage Llc
Attn: Officer Keena N Newmark
350 Highland Dr Bkry Dept
Lewisville, TX 75067
(Creditor)

Trustee has received a notice for claim #4 stating please cease all pre-petition disbursements on the above referenced account as the loan modification completed on 1/12/15 has brought the loan current. Therefore no further distributions are necessary for this claim. Said notice is attached to this objection. Creditor is entitled to keep any funds already received and this claim is disallowed upon entry of order granting this objection.

1 **NOTICE**

2 NOTICE IS HEREBY GIVEN

3 (i) That local rule 9014-1 of the United States Bankruptcy Court for the Northern District of
4 California prescribes the procedures to be followed and that any objection to the requested relief,
5 or a request for hearing on the matter must be filed and served upon initiating party within 28 days
6 of mailing of the notice;

7 (ii) That a request for a hearing or objection must be accompanied by any declarations or
8 memoranda of law the party objecting or requesting wishes to present in support of its position,

9 (iii) That if there is not a timely objection to the requested relief or a request for hearing, the court
10 may enter an order granting the relief by default; and

11 (iv) Either: (a) That the initiating party will give at least 10 days written notice of hearing to the
12 objecting or requesting party, and to any trustee or committee appointed in the case, in the event
13 any objection or request for hearing is timely made; or (b) The tentative hearing date.

14 /s/ Martha G. Bronitsky

15 Signature of Martha G. Bronitsky
16 Chapter 13 Standing Trustee

17

CERTIFICATE OF SERVICE

18 I HEREBY CERTIFY that I have served a copy of this document with attachments by depositing it
19 in the United States mail with first class postage in a sealed envelope addressed to the
aforementioned claimant, debtor and counsel for debtor.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct.

22 Rafael Agredano Jr
23 6225 Quartz Place
Newark, CA 94560

Patrick L Forte Atty
1 Kaiser Plaza #480
Oakland, CA 94612

24 (Debtor(s))

(Counsel for Debtor)

1 Also notify:

Nationstar Mortgage LLC
Attn: Officer
PO Box 619081
Dallas, TX 75261-9741

2
3
4
5 Brice Vander Linden & Wernick Pc
6 Attn: Managing Agent
7 Po Box 829009
8 Dallas, TX 75382
9

10 Date: January 30, 2015

/s/ Erica Chavez

Erica Chavez

UNITED STATES BANKRUPTCY COURT		FOR THE NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION	PROOF OF CLAIM
Name of Debtor: Rafael Agredano, Jr.		Case Number: 12-49213-WJL	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Nationstar Mortgage, LLC			
Name and address where notices should be sent: Nationstar Mortgage, LLC Bankruptcy Department 350 Highland Drive Lewisville, Texas 75067 Telephone Number (800) 766-7751 email:		COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim Court Claim Number: _____ (If Known) Filed on _____	
Name and address where payment should be sent, (if different from above): Nationstar Mortgage, LLC Bankruptcy Department 350 Highland Drive Lewisville, Texas 75067 Telephone Number: (800) 766-7751 email:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case	
1. Amount of Claim as of Date Case Filed: <u>\$578,156.38</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <u>Money Loaned</u> (See instruction #2)			
3. Last four digits of any number by which the creditor identifies debtor: <u>xxxxxx0775</u>		3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien or property or a right of setoff. Attach required redacted documents, and provide the requested information. Nature of Property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>6225 Quartz Pl., Newark, California 94560</u> Value of Property: _____ Annual Interest Rate: <u>2.0000%</u> <input type="checkbox"/> Fixed or <input checked="" type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: <u>\$0.00</u> Basis for perfection: <u>Recordation of Lien</u> Amount of Secured Claim: <u>\$578,156.38</u> Amount of Unsecured: _____	
5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check box specifying the priority and state the amount. <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). </div> <div style="width: 30%;"> <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507(a)(4). </div> <div style="width: 30%;"> <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5). </div> </div> <div style="display: flex; justify-content: flex-end; align-items: flex-end; width: 20%;"> Amount entitled to priority: _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;"> <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family or household use - 11 U.S.C. §507(a)(7). </div> <div style="width: 30%;"> <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8). </div> <div style="width: 30%;"> <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507(a) (____). </div> </div> <p><small>*Amounts are subject to adjustment on 04/01/2013 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small></p>			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)			

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted.")

DO NOT SEND ORIGINAL DOCUMENTS ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Keena N. Newmark

Title: Authorized Agent for Nationstar Mortgage, LLC

Company: Brice, Vander Linden & Wernick, PC

/s/ Keena N. Newmark

Signature

Address and telephone number (if different from notice address above):

P. O. Box 829009
Dallas, TX 75382-9909

02/18/2013

Date

Telephone: (972) 643-6600

Email: pocinquiries@bkclaw.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both, 18 U.S.C. §§ 152 and 3571.

January 14, 2015



MARTHA G BRONITSKY
PO BOX 9077
PLEASANTON, CA 94566

RE: RAFAEL AGREDANO JR.
CASE NO. 1249213
ACCOUNT NO. 596400775

DEAR SIR OR MADAM,

PLEASE CEASE ALL PRE-PETITION DISBURSEMENTS ON THE ABOVE REFERENCED ACCOUNT AS THE LOAN MODIFICATION COMPLETED ON 01/12/2015 HAS BROUGHT THE LOAN CURRENT. THEREFORE NO FURTHER DISTRIBUTIONS ARE NECESSARY FOR THIS CLAIM.

SHOULD YOU HAVE ANY QUESTIONS OR NEED ANY ADDITIONAL INFORMATION, PLEASE CONTACT OUR OFFICE.

REGARDS,

BANKRUPTCY DEPARTMENT
NATIONSTAR MORTGAGE, LLC
PO BOX 630267
IRVING, TX 75069
(877)343-5602

CC:
RAFAEL AGREDANO JR.
6225 QUARTZ PLACE
NEWARK, CA 94560

LAW OFFICES OF PATRICK L FORTE
PATRICK L FORTE
1 KAISER PLAZA #480
OAKLAND, CA 946123610

RECEIVED
JAN 22 2015
MARTHA G. BRONITSKY